

ORDER 2010-154
ORDER APPROVING SETTLEMENT AGREEMENT BETWEEN
INDIANA GAMING COMMISSION AND WILLIAM E. PONSOCK

On May 9, 2010, while employed as a Security Shift Sergeant at the Grand Victoria Casino, William E. Ponsock failed to follow Grand Victoria Internal Controls when responding to a security request from the casino cage regarding a patron presenting false identification.

Grand Victoria Internal Control, Section 6, Number 1, provides that all security department personnel will notify the Indiana Gaming Commission immediately of any violation of IGC rules, regulations, or state statutes. Upon being questioned regarding his conduct during the investigation, Ponsock made misstatements to Commission Agents regarding his interaction with the patron and his handling of the identification that was presented.

On August 9, 2010, commission staff sent a letter to Mr. Ponsock. This letter offered to settle the potential disciplinary matter stemming from his violation in lieu of commission staff filing a complaint and pursuing disciplinary action.

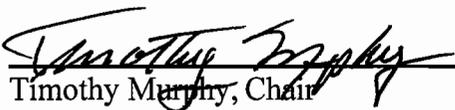
Commission staff and Mr. Ponsock have agreed on a settlement of this matter. The terms of the settlement agreement have been reduced to writing, and in pertinent part, provide the following:

Licensee's occupational license shall be voluntarily relinquished for two (2) working days at a time to be determined by the parties in cooperation with the Human Resources Department of Grand Victoria Casino. Licensee will not work his regularly scheduled shift ... during this period of suspension. Licensee agrees that no vacation or paid leave time shall be used while serving this voluntary relinquishment.

Having considered the foregoing, the Commission hereby APPROVES the proposed terms of the settlement agreement.

IT IS SO ORDERED THIS THE 16TH DAY OF SEPTEMBER, 2010:

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Marc Fine, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE LICENSE OF:)
)
) **MATTER NO: 2010-GV-03**
WILLIAM E. PONSOCK)
LICENSE NO. GV6055-L2)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”), by and through its Executive Director Ernest E. Yelton, and William E. Ponsock (“Licensee”) desire to settle and compromise this matter in lieu of a disciplinary action. In furtherance of this desire, the parties agree to the following recitations and settlement:

RECITATIONS OF LAW AND FACT

1. Under IC 4-33-8-8(4), the Commission may suspend, revoke, or restrict an occupational licensee for any just cause.
2. 68 IAC 2-3-9 states that “all occupational licensees have a continuing duty to maintain suitability for licensure.”
3. 68 IAC 2-3-10 states, in pertinent part, that: “[i]f the commission determines that an occupational licensee is in violation of this rule or IC 4-33-8, the commission may initiate a disciplinary proceeding to revoke, restrict, or take any other disciplinary action with respect to the occupational license pursuant to 68 IAC 13.”
4. 68 IAC 13-1-18 states that settlement offers may be made at any time prior to the final disposition of an action, including prior to the initiation of proceedings.
5. On or about May 9, 2010, while employed as a Security Shift Sergeant at the Grand Victoria Casino, Licensee failed to follow Grand Victoria Internal Controls when responding to a security request from the casino cage regarding a patron presenting false identification. Grand Victoria Internal Control, Section 6, Number 1, provides that all security department personnel will notify the Indiana Gaming Commission immediately of any violation of IGC rules, regulations, or state statutes.
6. Upon being questioned regarding his conduct during the investigation, Licensee made misstatements to Commission Agents regarding his interaction with the patron and his handling of the identification that was presented.
7. On August 9, 2010, Commission staff mailed a letter to Licensee offering settlement in lieu of disciplinary action.

8. On September 3, 2010, Licensee agreed, in writing, to the terms set forth in Commission staff's settlement offer.

SETTLEMENT AGREEMENT

The above described actions of Licensee constitute a violation of Title 68 of the Indiana Administrative Code. The Commission and Licensee agree that a period of voluntary relinquishment of Licensee's occupational license shall be imposed on Licensee in full settlement of this violation. By agreement, Licensee's occupational license shall be voluntarily relinquished for two (2) working days at a time to be determined by the parties in cooperation with the Human Resources Department of Grand Victoria. Licensee will not work his regularly scheduled shift as a Security Shift Sergeant at Grand Victoria during this period of voluntary relinquishment. Licensee agrees that no vacation or paid leave time shall be used while serving this voluntary relinquishment.

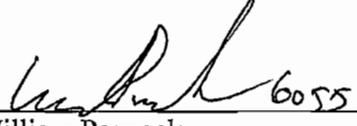
Licensee agrees to surrender his badge to the Human Resources Department at Grand Victoria at or before the time his shift would otherwise begin on the day of his voluntary relinquishment and may retrieve his badge after two (2) working days elapse from the time he turns in his badge, at which time he will be eligible to return to work. Licensee agrees that his failure to comply with this Settlement Agreement will result in further disciplinary action against his occupational license.

Upon execution and approval of this Settlement Agreement, Licensee waives all rights to an administrative hearing under 68 IAC 13 and judicial review. This agreement is subject to the approval of the Commission. Approval by the Commission makes this agreement a final Commission action. This Settlement Agreement shall be binding upon the Commission and Licensee.

IN WITNESS WHEREOF, the parties have signed this Settlement Agreement as set forth below.



Ernest E. Yelton, Executive Director
Indiana Gaming Commission



William Ponsock
Occupational License Number GV6055-L2

Date: Sept 15, 2010

Date: 9-7-10